

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-6188

In Re: PETE SMITH, a/k/a Pete Noble Muhammad,
a/k/a Jose,

Petitioner.

On Petition for Writ of Mandamus. (CR-93-117)

Submitted: March 31, 2004

Decided: April 19, 2004

Before NIEMEYER, MOTZ, and SHEDD, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Pete Smith, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Pete Smith petitions for a writ of mandamus, alleging the district court has unduly delayed acting on his motion under Fed. R. Civ. P. 60(b). He seeks an order from this Court directing the district court to act. Although we find that mandamus relief is not warranted because the delay is not unreasonable, we deny the mandamus petition without prejudice to the filing of another mandamus petition if the district court does not act expeditiously. We grant leave to proceed in forma pauperis. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED